

REPORT

On the Monitoring Visit to the Temporary Detention Isolation Facility of the Soroca Police Inspectorate of 22 Dec 2016

I. Information about the visit

Date of the visit: 22 Dec 2016

Duration of the visit: 11.30 – 12.30

Members of the monitoring team: Radu Nicoară, Dumitru Russu – representatives of the Civic Association “Moldovan Human Rights Institute”.

Objectives of the visit:

1. To monitor and assess the level of implementation of the recommendations previously issued by IDOM for improving the detention conditions in the pretrial detention isolator of the Soroca Police Inspectorate;
2. Familiarize the new composition of the Torture Prevention Committee of the National Prevention Mechanism with the specifics of monitoring visits to police-subordinated pretrial detention institutions.

II. Conclusions and recommendations signaled by IDOM on 9 Nov 2016

1. The members of the monitoring group appreciate the progress achieved by the management of the Soroca Police Inspectorate regarding the transfer to Penitentiary 17 of Rezina of the persons held in pretrial detention and those serving administrative arrest, which is confined in the European Prison Rules¹. We recall that further detention in the police premises, even after the person has been brought before a judge, increases the risk of intimidation and ill-treatments.
2. In its report to the Moldovan Government, the CPT reiterated the recommendation that additional efforts had to be made to ensure that the return of persons under arrest to the police premises be requested and authorized only in exceptional cases, for certain security reasons and for the shortest period possible; prosecutors must carefully examine any requests for the transfer of detainees done by the police².
3. Given the TDI does not have a heating system, it is imperative to provide the necessary thermal conditions in the detention cells in wintertime. Although the CPT standards do not stipulate the ideal temperature or the temperature scope for cells, it states that sufficient temperature should be provided to cope with the low winter temperatures. **Thus, given the outside temperature is about 0 -**

¹ Rule 10.2 of the Rules, [http://www.coe.int/t/dghl/standardsetting/prisons/Rec\(2006\)2%20Romanian.pdf](http://www.coe.int/t/dghl/standardsetting/prisons/Rec(2006)2%20Romanian.pdf)

² P. 14 of the CPT/Inf Report (2016) 16, <http://www.cpt.coe.int/documents/mda/2016-16-inf-eng.pdf>

5 degrees and it goes below 0 degrees C at night, we think it is imperative to identify an adequate solution to ensure the detention of persons in appropriate thermal conditions.

4. At the same time, making reference to the previous findings of the Ombudsman and CPT, we note the pressing need to take actions to improve the detention conditions in the TDI of the Soroca PI:

- a. The level of lighting and ventilation must be improved and cells (including the sanitary installations) must be maintained in adequate cleanness;
- b. The toilets within cells must be completely partitioned (i.e. separated from floor to ceiling);
- c. Provide mattresses and clean bed linen to the persons who must spend the night in the isolator;
- d. Provide to the persons detained for more than 24 hours a basic sanitary kit (to include soap, toilet paper, a towel, toothpaste and toothbrush);
- e. Avoid keeping in the TDI persons apprehended for over 72 hours (24 hours – for juveniles) and ensure that the return of arrested persons to the police premises, for whatever reason, be requested and authorized only when there is absolutely no other option and it is for the shortest time possible;
- f. Ensure that upon a person's entry or exit of the TDI they are immediately examined by a medical specialist. At the request of the apprehended person, the medical examination may be conducted at one's own expense by an independent doctor, indicated by the apprehended person. The results of any medical examinations of the apprehended person, including those conducted by independent doctors, shall be attached to the medical card of the apprehended person, after he has taken notice of the content of the examination against his signature;³
- g. Provide meals to the detainees in accordance with the provisions of the Government Decision no. 609 of 29 May 2006 on the Minimal Daily Meals and Toilet and Household Items for Detainees. Measures must also be taken to ensure that the apprehended persons enjoy meals that take into account their age, health and physical conditions, religion and culture⁴;
- h. Ensure that the distribution of meals takes place in proper sanitary conditions, which requires carrying out the necessary repair works in the respective room;
- i. Ensure the functionality of the Meeting and Interrogation Room, which requires endowing it with surveillance equipment and carrying out the necessary repair works;

³ The medical cards of the apprehended persons are prepared by the TDI feldsher and contain the diagnosis and the patient's evolution plus the special examinations conducted and treatments. In case of a transfer, the card must be passed over to the doctors of the institution where the detainee will arrive. In case of release, the card must be given to the person released. The content of the medical cards is confidential. They must be kept separately from the personal files of the apprehended person and be accessible only to the medical workers and to the detainee, except when there is a therapeutic contradiction and, with the latter's consent, to his family or lawyer.

⁴ P. 78 of the Order 223 of 6 July 2012 on Approving the Instructions on the Work of Temporary Detention Isolators of the Ministry of Interior. The persons apprehended shall enjoy meals that take into account their age, health and physical conditions; p. 22.1 of the European Penitentiary Rules".

- j. Ensure that the non-functional cells are not used for detaining persons by having their entrances sealed or welded.

5. Regarding the CPT standards on the prevention of ill-treatments, we recall the need to take the following steps;

- a. Make further efforts for full efficient realization of the right of the person deprived of freedom to notify immediately a relative or close person about it;
- b. Ensure that the persons taken in custody enjoy the right to a lawyer (the right to confidential consultations with their lawyer during the interrogations/when making statements) from the moment they are placed in police custody;
- c. Take the necessary measures to ensure that: - all the persons placed in the TDI are examined without delay by a medical worker. The recordings prepared after the examination must contain: (i) a full description, based on objective medical findings, following a thorough examination; (ii) a full description of the statements made by the respective person that are relevant to the medical examination (including a description of their health condition and any maltreatment allegations); and (iii) the conclusions of the medical worker, taking into account (i) and (ii), indicating, to the extent possible, the compliance between any statements made and the objective medical findings; - All the medical examinations of the persons held in police custody must take place out of the audio scope and – if the medical worker requests it expressly – out of the visual scope of the police officers; - The medical data usually are inaccessible to the non-medical staff;
- d. Take measures to ensure that all the persons apprehended by the police – regardless of the reason – are fully informed about their fundamental rights, from the very moment of their deprivation (i.e. from the moment they are required to stay with the police). This shall be ensured by supplying clear verbal information from the very beginning of their deprivation of freedom (i.e. from the moment they are required to stay with the police) by supplying written information on the rights of the detainee in an accessible manner. The form must be accessible in an adequate range of languages (Romanian and Russian).

III. IDOM's conclusions about the removal of deficiencies of human rights observance in the temporary detention isolating facility, signaled during the monitoring visit of IDOM Monitoring Group to Soroca IP on 9 Nov 2016.

During the monitoring visit to assess the level of settlement of human right issues, identified in the work of the Temporary Detention Isolation Facility (TDI) of the Soroca Police Inspectorate (Soroca PI), IDOM is concerned to find that the situation with human right observance in the TDI of Soroca PI further remains without positive changes. On the other hand, the state of affairs has somewhat worsened.

3.1 Findings during the visit

3.1.1 Detention conditions

- a. Supplying the isolator with heat is further a pressing problem. All the persons interviewed during the visit alleged that their stay in the isolator was unbearable, especially at night. During the interview with one of the detainees, the monitoring team was told the following: “I couldn’t sleep at night, I was cold. I had to talk from one corner of the cell to another all night long to warm up a bit.” The detainees also specified that the heaters from outside the cells, used to heat them, were periodically disconnected at night.
- b. In addition to the low temperature in the cells, the detainees were not provided blankets, being left without solutions to the low temperature in the isolator. Bed linen had not been provided either and the detainees had to sleep on dirty mattresses. Tableware and toiletries were missing;
- c. Due to the lack of access to natural light (the isolator does not have windows) and poor artificial lighting, some detainees said they were not able to tell for sure when it was day or night;
- d. One detainee mentioned that he had been not given a warm meal from his apprehension and was let to starve for 22 hours (in the morning of the day of our monitoring visit he was given tea and a bun);
- e. We further signal the insanitary conditions in the meals distribution unit of the TDI: broken and worn-out furniture, moldy walls, worn-out tableware and pots, with big rusty spots.

3.1.2. Prevention of ill-treatments by ensuring the procedural safeguards

- a. Some detainees complained about the deficient access to legal assistance, specifying that their meeting with a lawyer took place after 8 hours from the apprehension;
- b. The detainees complained about not being informed explicitly and clearly about their rights and obligations upon and after their apprehension (placement in Police custody).
- c. Some detainees complained about having been subject to superficial medical examination upon their entry into the isolator to check on their bodily injuries;
- d. The register to track the inspection by the Soroca PI management is not kept accurately: the hours of different detainee-related actions was missing in some cases and white-out was sometimes used;
- e. According to said register, some detainees had spent more than 72 hours in the isolator, sometimes even up to 9 days.

IV. Conclusions and recommendations.

Based on the findings drawn during the visit of 22 Dec 2016 and especially taking into account the drastic reduction of air temperature and the impossibility to ensure detaining in the TDI of the Soroca IP persons in condition that would guarantee thermal comfort, IDOM recommends that the TDI temporarily suspend its work until the major deficiencies found in the institution’s work are resolved.

V. Annexes:

1. Photos

Report prepared by the members of the Monitoring and Reporting Program of IDOM



